

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NIKE, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 1:23-cv-2431-VM
vs.	)	
	)	<b>SCHEDULING ORDER AND CASE</b>
BY KIY LLC,	)	<b>MANAGEMENT PLAN</b>
NICKWON ARVINGER,	)	
DAVID WEEKS	)	
	)	
Defendants.	)	
	)	

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case **is** to be tried by a jury.
2. Joinder of additional parties to be accomplished by May 8, 2023.
3. Amended pleadings may be filed without leave of the Court until May 8, 2023.
4. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by no later than March 31, 2023.
5. All fact discovery is to be completed within one hundred twenty (120) days of the date of this Order, specifically by not later than July 25, 2023.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
  - a. Initial requests for production of documents to be served by April 28, 2023.
  - b. Interrogatories to be served by all parties by April 28, 2023.
  - c. Depositions to be completed by July 25, 2023.

- Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
  - Depositions of all parties shall proceed during the same time.
  - There will be no more than five (5) fact depositions per side, and no deposition shall exceed six (6) hours on the record.
  - Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.
- d. Any additional contemplated discovery activities and the anticipated completion date: None.
- e. Requests to admit to be served no later than June 6, 2023.
- f. The parties agree that no side will serve more than seven single-spaced pages of requests for admissions, and no side will serve more than seven single-spaced pages of interrogatories.
7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by October 6, 2023.
- a. Opening expert reports on issues for which a party bears the burden of proof are due on August 15, 2023.
  - b. Rebuttal expert reports are due on September 12, 2023.
  - c. Reply expert reports are due on October 6, 2023.
  - d. Expert depositions must be completed by October 20, 2023.
8. Contemplated motions:
- a. The parties contemplate filing: (i) a joint motion for entry of a protective order governing the use and disclosure of confidential information in this case; and (ii) motions for summary judgment or partial summary judgment.
9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than October 24, 2023.
10. The parties **do not** consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c).

-----  
**TO BE COMPLETED BY THE COURT:**

11. The next Case Management Conference is scheduled for \_\_\_\_\_.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

**SO ORDERED.**

\_\_\_\_\_  
**VICTOR MARRERO**  
**U.S.D.J.**

Dated: \_\_\_\_\_  
New York, New York